

## **REMARKS**

In response to the final Office Action dated October 14, 2009, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1, 3-4, 7-9, 12, 14-20, 22-29, 31-32, and 34-36 are pending in this application. Claims 2, 5-6, 10-11, 13, 21, 30, 33, and 37-42 have been, or were previously, canceled without prejudice or disclaimer.

### **Rejection of Claims over Armstrong**

The Office rejected claims 1, 3-4, 7-9, 12, 14, 16-19, and 22-23 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,807,423 to Armstrong, *et al.*

These claims, though, are not obvious over *Armstrong*. These claims recite, or incorporate, features that are not taught or suggested by *Armstrong*. Independent claim 1, for example, recites “*retrieving an Internet dialing number from the profile*” and “*retrieving an IP address associated with the Internet dialing number*.” Support for these features may be found at least at page 18, line 11 through page 19, line 11 of the as-filed application (explaining the creation of a “DN/IP Address” record). Moreover, the as-filed application also teaches how an “active IP address” is returned from the existence of the DN/IP address pair in a SCP. *See* page 20, section 2 (“Determining A’s Communications Presence”). Independent claims 10 and 19 recite similar features.

These features are not obvious over *Armstrong*. As the Assignee has previously explained, *Armstrong* monitors the presence of a “watched party,” and each “watched party” is given a unique identifier. *See* U.S. Patent 6,807,423 to Armstrong, *et al.* at column 6, lines 5-7. *Armstrong* tracks the watched party’s presence. *See id.* at column 5, lines 53-54. When *Armstrong*’s “PCP” receives a presence request, the PCP may choose the “best” mode of

communication, after taking into account the watched party's presence. *See id.* at column 6, lines 48-56. The PCP may, instead, give a list of available communication methods to the watching party. *See id.* at column 6, lines 58-61. Even so, *Armstrong* fails to teach or suggest "retrieving an Internet dialing number from the profile" and "retrieving an IP address associated with the Internet dialing number." One of ordinary skill in the art, then, would not think that the independent claims are obvious.

Claims 1, 3-4, 7-9, 12, 14, 16-19, and 22-23, then, are not obvious over *Armstrong*. Independent claims 1, 12, and 24 recite features that are not taught or suggested by *Armstrong*. The dependent claims incorporate these features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1, 3-4, 7-9, 12, 14, 16-19, and 22-23 are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims over Armstrong & Weeren**

Claims 24-29, 31-32, and 34-36 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Armstrong* in view of U.S. Patent 6,501,956 to *Weeren, et al.*

These claims, though, are not obvious over *Armstrong* with *Weeren*. These claims also recite, or incorporate, features that are not taught or suggested by *Armstrong* with *Weeren*. Independent claim 24, for example, recites "retrieving an Internet dialing number from the profile" and "retrieving an IP address associated with the Internet dialing number." Because the combined teaching of *Armstrong* with *Weeren* fails to teach or suggest these features, one of ordinary skill in the art would not think that these claims are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

**Rejection of Claims 15 & 20 Armstrong & Weeren**

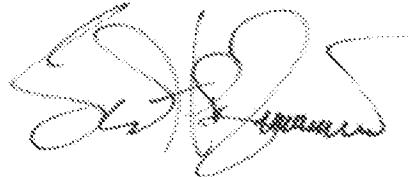
Claims 15 and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Armstrong* with *Weeren* in view of U.S. Patent 6,714,519 to *Luzzetti et al.* These claims, though,

depend from independent claim 12 and, thus, incorporate the same distinguishing features. As *Armstrong* with *Weeren* and *Luzzetti* fails to teach or suggest these features, one of ordinary skill in the art would not think that these claims are obvious. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "SCOTT P. ZIMMERMAN". The signature is fluid and cursive, with some loops and variations in line thickness.

Scott P. Zimmerman  
Reg. No. 41,390